

MT LEGISLATIVE HISTORY

Chapter 212 19 81

Bill H 284 S _____

Original bill & hist. ☒ C

H. Committee on Judiciary

S. Committee on Judiciary

Hearing Date(s) Jan 22 ☒ C

Hearing Date(s) Mar 13 ☒ C

Feb 17 ☒ C 1

Mar 14 ☒ C 1

Feb 18 ☒ C 1

_____ ☐ C

Feb 19 ☒ C 1

_____ ☐ C

Date Out Feb 19 ☒ C

Mar 14 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

STUDENTS.

FISCAL NOTE: REQUIRED

INTRODUCED: 1/16

REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 1/16

REPORT: DO NOT PASS, 1/26

REPORT: ADOPTED, 1/27

BILL KILLED: 1/27 YEAS: 84; NAYS: 13

HB 282—FAEREGA, HAGER—REVISING THE PREMIUM TAX PROVISIONS FOR WORKERS' COMPENSATION INSURANCE....

FISCAL NOTE: REQUIRED

INTRODUCED: 1/16

REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 1/16

HEARING: 1/30

BILL DIED IN COMMITTEE

HB 283—FAEREGA, HAGER—REVISING THE MEMBERSHIP AND SETTING FORTH THE POWERS AND DUTIES OF THE CLASSIFICATION AND RATING COMMITTEE FOR WORKERS' COMPENSATION INSURANCE.

INTRODUCED: 1/16

REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 1/16

HEARING: 1/30

REPORT: DO PASS, 2/12

2ND READING: 2/14 YEAS: 89; NAYS: 0

3RD READING: 2/17 YEAS: 99; NAYS: 0

TRANSMITTED TO SENATE: 2/17

REFERRED TO COMMITTEE ON LABOR AND EMPLOYMENT: 2/18

HEARING: 3/3

REPORT: 3/9, BE CONCURRED IN

2ND READING: 3/11, YEAS: 49; NAYS: 1

3RD READING: 3/13, YEAS: 45; NAYS: 3

RETURNED TO HOUSE: 3/13

TRANSMITTED TO GOVERNOR: 3/18

ACTION: SIGNED, 3/20

CHAPTER 114

HB 284—FAEREGA, HAGER—TO AMEND THE MOTOR VEHICLE INSURANCE LIABILITY LAWS TO ALLOW LIMITATION OF THE INSURER'S LIABILITY IN CASES WHERE THERE IS MORE THAN ONE VEHICLE COVERED UNDER A SINGLE INSURANCE POLICY.

INTRODUCED: 1/16

REFERRED TO COMMITTEE ON JUDICIARY: 1/16

HEARING: 1/27

REPORT: DO PASS AS AMENDED, 2/19

2ND READING: 2/21 YEAS: 88; NAYS: 0

3RD READING: 2/24 YEAS: 99; NAYS: 0

TRANSMITTED TO SENATE: 2/24

REFERRED TO COMMITTEE ON JUDICIARY: 3/2

HEARING: 3/13

REPORT: 3/16, BE CONCURRED IN

2ND READING: 3/19, YEAS: 34; NAYS: 5

3RD READING: 3/21, YEAS: 44; NAYS: 4

RETURNED TO HOUSE: 3/21

TRANSMITTED TO GOVERNOR: 3/26

ACTION: SIGNED, 3/31

CHAPTER 212

HOUSE BILL NO. 284

INTRODUCED BY FABRICA, HATCH

IN THE HOUSE

January 16, 1981

Introduced and referred to
Committee on Judiciary.

February 20, 1981

Committee recommend bill do
pass as amended. Report
adopted.

February 21, 1981

Bill printed and placed on
members' desks.

Second reading, do pass.

February 23, 1981

Correctly engrossed.

February 24, 1981

Third reading, passed.
Ayes, 99; Nays, 0.
Transmitted to Senate.

IN THE SENATE

March 2, 1981

Introduced and referred to
Committee on Judiciary.

March 16, 1981

Committee recommend bill be
concurrent in. Report adopted.

March 18, 1981

Second reading, pass con-
sideration.

March 19, 1981

Second reading, concurred in.

March 21, 1981

Third reading, concurred in.
Ayes, 44; Nays, 4.

IN THE HOUSE

March 23, 1981

Returned from Senate. Con-
curred in. Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 284

INTRODUCED BY

Th. Hager

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MOTOR VEHICLE INSURANCE LIABILITY LAWS TO ALLOW LIMITATION OF THE INSURER'S LIABILITY IN CASES WHERE THERE IS MORE THAN ONE INSURANCE POLICY; AMENDING SECTION 61-6-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Proration of recovery or benefits -- uninsured motorist coverage. Any policy of insurance providing uninsured motor vehicle coverage or any other coverage on motor vehicle liability may provide for proration of any recovery or benefit under more than one policy or provision of coverage not to exceed the higher of the applicable limits of the respective coverages as provided in 61-6-103.

Section 2. Section 61-6-103, MCA, is amended to read:

"61-6-103. Motor vehicle liability policy defined. (1)

A "motor vehicle liability policy" as said term is used in this part shall mean an owner's or operator's policy of liability insurance, certified as provided in 61-6-133 or 61-6-134 as proof of financial responsibility and issued, except as otherwise provided in 61-6-134, by an insurance carrier duly authorized to transact business in this state,

to or for the benefit of the person named therein as insured.

(2) Such owner's policy of liability insurance shall:

(a) designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(b) insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows:

(i) \$25,000 because of bodily injury to or death of one person in any one accident and subject to said limit for one person;

(ii) \$50,000 because of bodily injury to or death of two or more persons in any one accident; and

(iii) \$5,000 because of injury to or destruction of property of others in any one accident.

(3) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages

-2- INTRODUCED BILL

HB 284

arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(4) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this part as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this part.

(5) Such motor vehicle liability policy need not insure any liability under any workers' compensation law or any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured or while engaged in the operation, maintenance, or repair of any such motor vehicle or any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(6) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this part shall become

absolute whenever injury or damage covered by said motor vehicle liability policy occurs. Said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage. No statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(c) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subsection (2)(b) of this section.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the part shall constitute the entire contract between the parties.

(7) No motor vehicle policy shall be subject to cancellation, termination, or premium increase, due to injury or damage incurred by the insured or operator unless the insured or operator be found to have violated a traffic law or ordinance of the state or a city, be found negligent

1 or contributorily negligent in a court of law, or by the
2 arbitration proceedings contained in chapter 3 of Title 27,
3 or pays damages to another party whether by settlement or
4 otherwise. In no event may a premium be increased during the
5 term of the policy unless there is a change in exposure.

6 (8) Any policy which grants the coverage required for
7 a motor vehicle liability policy may also grant any lawful
8 coverage in excess of or in addition to the coverage
9 specified for a motor vehicle liability policy and such
10 excess or additional coverage shall not be subject to the
11 provisions of this part. With respect to a policy which
12 grants such excess or additional coverage the term "motor
13 vehicle liability policy" shall apply only to that part of
14 the coverage which is required by this section.

15 (9) Any motor vehicle liability policy may provide
16 that the insured shall reimburse the insurance carrier for
17 any payment the insurance carrier would not have been
18 obligated to make under the terms of the policy except for
19 the provisions of this part.

20 (10) Any motor vehicle liability policy may provide for
21 the prorating of the insurance thereunder with other valid
22 and collectible insurance.

23 ~~(11) Any policy of insurance providing coverage under~~
24 ~~the provisions of this chapter may provide that if the~~
25 ~~insured has coverage available to him under more than one~~

1 ~~policy or provision of coverage, including uninsured~~
2 ~~motorist coverage, any recovery or benefits may equal but~~
3 ~~not exceed the higher of the applicable limits of the~~
4 ~~respective coverages, and the recovery or benefits must be~~
5 ~~prorated between the applicable coverages in the proportion~~
6 ~~that their respective limits bear to the aggregate of their~~
7 ~~limits. Any provision that limits benefits pursuant to this~~
8 ~~subsection must be in clear language and be prominently~~
9 ~~displayed in the policy, binder, or endorsement. Any~~
10 ~~limiting provision is void if the named insured has~~
11 ~~purchased separate coverage on the same risk and has paid a~~
12 ~~premium calculated for full reimbursement under that~~
13 ~~coverage.~~

14 ~~(12)(12)~~ The requirements for a motor vehicle liability
15 policy may be fulfilled by the policies of one or more
16 insurance carriers which policies together meet such
17 requirements.

18 ~~(13)(13)~~ Any binder issued pending the issuance of a
19 motor vehicle liability policy shall be deemed to fulfill
20 the requirements for such a policy.

21 ~~(14)(14)~~ A reduced limits endorsement shall not be
22 issued by any company to be attached to any policy issued in
23 compliance with this section."

24 Section 3. Codification instruction. Section 1 is
25 intended to be codified as an integral part of Title 33,

LC 3943/01

1 chapter 23, part 2, and the provisions of Title 33 apply to
2 section 1.

-End-

JUDICIARY COMMITTEE

47th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
273	To permit publication of the names of juvenile offenders under certain circumstances.	1/16/81	Metcalf	1/26/81	Do Pass as Amended 1/27/81	1/27/81
284 ✓	To amend the motor vehicle insurance liability laws, etc., in cases where there is more than one insurance policy.	1/16/81	Fabrega	1/27/81	Tabled 2/17/81 Do Pass as Amended 2/19/81	2/19/81
289	To amend the definition of serious bodily injury in the criminal codes.	1/16/81	Keedy	1/28/81	Do Not Pass 1/28/81	1/28/81
294	To increase the peremptory challenges to jurors in civil actions.	1/16/81	Pistoria	1/26/81	Do Not Pass 1/26/81	1/26/81
300	To enact the provisions of the model drug paraphernalia act.	1/16/81	Matsko	1/28/81	Do Pass 1/29/81	1/29/81
301	To increase the ability of victims of criminal mischief to recover restitution from the offender.	1/16/81	Matsko	1/26/81	Do Pass as Amended 1/28/81	1/28/81

MINUTES OF THE MEETING OF THE JUDICIARY COMMITTEE
January 27, 1981

The meeting of the House Judiciary Committee was called to order at 8:00 a.m. by Chairman Kerry Keyser in Room 437 of the Capitol. All committee members were present except Rep. Abrams and Rep. Anderson. (Both representatives returned to the committee after presenting bills to other committees). Jim Lear, Legislative Council, was present.

HOUSE BILL 284 REP. FABREGA, sponsor, stated this bill is to amend the motor vehicle insurance liability laws in cases where there is more than one insurance policy.

ROGER MCGLENN, Independent Insurance Agents of Montana, Incorporated, gave committee members written testimony concerning changing the word "risk" on line 11, page 6 to "vehicle". EXHIBIT 1.

PAT MELBY, Alliance of American Insurance, supports this bill. MELBY suggests to amend page 6, line 1 after "policy" inserting "with the same insurer". MELBY stated other states have adopted language limiting stacking. Some states have not allowed stacking at all, while some states allow it in contracts.

VALENCIA LANE, Insurance Department, supports this bill. She feels this will help keep insurance costs down. LANE feels the language should be clarified but did not have any amendments to offer the committee. She stated she would be happy to work some out.

NORMA SEIFFERT, Insurance Department, supports this concept. SEIFFERT stated the language should be clarified. She did not have any amendments to offer.

There were no further proponents.

MIKE MELOY, Montana Trial Lawyers Association, is opposed to the bill. MELOY feels this bill is a reaction to a Supreme Court decision. The court decided that based on the language of the policy which did not exclude stacking that you could pay the injured party the total amount of the injury from each part of money the insured had paid in to. MELOY stated there is no reason why insurance companies cannot calculate the premiums. They could provide in bold type all of the things that are listed in the amendment on page 6 of the bill. MELOY urged do not pass.

There were no further opponents.

REP. FABERGA closed the bill.

REP. HANNAH asked if the insurance companies now have the freedom to place this wording in policies. MELOY stated yes.

REP. HUENNEKENS asked if this bill would start another type of ruling of the Supreme Court. MELOY was not sure. The basis on

which the Supreme Court ruled is that you could not stack. All this bill does is authorize it to be done.

REP. FABREGA stated if he owned three cars and three people drive the cars under the same policy, did he pay the equivalent of three premiums. FABREGA understands the principle of the bill.

HOUSE BILL 359 REP. QUILICI, chief sponsor, stated this bill is setting a fee of \$25.00 for an application to carry a concealed weapon. One of the reasons for the bill is by setting a charge of \$25.00 it will help the budgets of counties. The 6 mill levy is not adequate in many cases. With the costs of investigating all this, it is a cost the counties cannot accept. The second reason is before a person puts in an application they will think twice before they have to pay a fee. Judges would like to see this because there are more and more applications to carry concealed weapons. REP. QUILICI noted Judge Olson would be a little late, but was a proponent of the bill.

There were no proponents at this time.

Opponent GEORGE PAUL has carried a permit for a concealed weapon for about four years. PAUL does not see how the cost of processing could be \$25.00 when it costs fifty cents to do it now. A \$3-4 fee is more appropriate. Paul does not believe helping out with budgets is a good reason for the fee. Many times there is a justified need for an individual to carry the weapon. Many people will carry the weapon no matter what the price is. PAUL explained the first time a person applies for a permit he goes into the sheriff's department and they check the person out. To pay \$25 each year for ten years would equal \$250.00. PAUL stated it would be cheaper to pay someone \$100 to go beat someone up.

There were no further opponents.

In closing REP. QUILICI stated he personally would not apply for a concealed weapon. The \$25 fee is not exorbitant, it is a deterrent. The judges feel this is a good bill.

REP. MATSKO asked if the fee was reimbursed if the application was denied. It was stated yes.

REP. HANNAH asked how many permits were issued per county. REP. QUILICI did not know.

REP. EUDAILY asked the sponsor if he knew there was a Senate bill which would set the fee at \$5.00. REP. QUILICI replied yes.

Independent Insurance Agents of Montana INCORPORATED



We would like to submit this amendment for your consideration,
on House Bill #284.

On page six (6) Line Eleven (11) Strike the word "RISK" and
to insert the word "VEHICLE".

Roger McGlenn

Independent Insurance Agents of Montana INCORPORATED



The limits for liability, uninsured motorist, and medical payments on the insurance contract apply to each vehicle on a per occurrence basis. Stacking of these limits, meaning the use of other vehicles limits named in the policy for one occurrence, was not figured in the premium computations nor was stacking intended.

If stacking is allowed, then the premiums to the consumer will increase, in our opinion.

Roger McGlenn

VISITORS' REGISTER

HOUSE JUDICIARY

COMMITTEE

284

Date 1/27/81

FOR Fabrega

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE SUBCOMMITTEE MEETING - LIABILITY INSURANCE
February 7, 1981

HOUSE BILL 165

REP. SEIFERT moved to recommend to the committee do not pass.
The motion passed unanimously.

HOUSE BILL 226

REP. BROWN moved to recommend to the committee do not pass.
The motion passed unanimously.

HOUSE BILL 284

REP. SEIFERT moved to accept the amendments as attached.
The motion passed unanimously.

HOUSE BILL 546

REP. SEIFERT moved to bring this back to the committee to discuss
the matter of carrying the insurance card. The motion passed
unanimously.



REP. CARL SEIFERT

mr

Attachment

1. Title, line 7.

Following: "INSURANCE POLICY"

Strike: "; AMENDING SECTION 61-6-103, MCA"

Insert: "."

2. Pages 4 through 7.

Strike: all of the bill following the enacting clause.

Insert: "NEW SECTION. Section 1. Limitation of liability under motor vehicle liability policy. (1) Unless a motor vehicle liability policy specifically provides otherwise, the limits of insurance coverage available under any such policy, including the limits of liability under uninsured motorist coverage, shall be determined as follows, regardless of the number of vehicles insured under the policy:

(a) the limit of insurance coverage available for any one accident shall be the limit specified for the vehicle involved in the accident;

(b) if no vehicle insured under the policy is involved in the accident, the limit of insurance coverage available for any one accident shall be the highest limit of coverage specified for any one vehicle insured under the policy; and

(c) the limits of coverage specified for each vehicle insured under the policy shall not be added together to determine the limit of insurance coverage available under the policy for any one accident.

(2) A motor vehicle liability policy may also provide for other reasonable limitations, exclusions, or reductions of coverage which are designed to prevent:

(a) duplicate payments for the same element of loss; or

(b) providing insurance coverage for a vehicle owned by a policyholder but not insured under the same policy.

Section 2. Codification instruction. Section 1 is intended to be codified as an integral part of Title 33, Chapter 23, part 2, and the provisions of Title 33, chapter 23, part 2, apply to section 1."

-END-

MINUTES OF THE MEETING OF THE JUDICIARY COMMITTEE
February 17, 1981

The House Judiciary Committee was called to order by Chairman Kerry Keyser at 8:00 a.m. in Room 437 of the Capitol. Rep. Conn was excused. Jim Lear, Legislative Council, was present.

HOUSE BILL 689 REP. KEYSER stated this was a bill the Judiciary Committee had requested. This is to provide for the compulsion of incriminating testimony of witnesses before courts, state agencies, and the legislature.

REP. MATSKO, requestor of the bill, stated the purpose is to provide for "use immunity".

CARROLL BLEND gave the committee EXHIBIT 1. This bill removes the fifth amendment right and the person is required to testify. The alternative is use immunity. It cannot be used against him. BLEND stated this is patterned after a federal law in 1972 and adapted to Montana.

The first change in this bill is that only the prosecutor can ask for immunity. Under the present law either party can ask. The second change this creates is to allow administrative agencies to ask the district courts for immunity orders. At present the legislature would have to ask for transactional immunity. It governs as to what is in the statute.

There were no further proponents.

There were no opponents.

In closing, REP. MATSKO stated information was given to the committee when the bill was requested. It is unfair to take a principal party in an action and let him off. This will help stop people getting off because of immunity.

HOUSE BILL 690 REP. KEYSER stated this was a bill the Judiciary Committee had requested. This is to generally revise and clarify chapters pertaining to postconviction and habeas corpus relief.

REP. KEEDY, requestor of the bill, felt this would address many problems of postconviction relief. Presently there is no time limit. The perception of the public is designed more to promote delays and denials than justice.

JOHN MAYNARD, Attorney General's office, supports this bill. Whenever a person is convicted he has 60 days in which to appeal to the Supreme Court. If he does not file he is precluded from filing. He can, however, petition for postconviction relief. In that case it does nothing more than allow a second appeal. The current postconviction procedure act was from the 1955 Uniform Postconviction Act. This bill would tailor that act to serve

and strike through "\$1,000" on line 20.

REP. YARDLEY was against the amendment. What if a parked car were involved?

The amendment carried unanimously.

REP. CURTISS made a motion on line 23, page 1 to strike "is" and insert "may be".

REP. KEEDY felt that amendment would not solve the problem. He made a substitute motion to strike "involved in" on line 22 and insert "responsible for". On page 2, line 2 following "bodily injury" insert "to another" and in the title and line 5 following "for" insert "person who causes an accident while". REP. KEEDY withdrew part of the motion leaving the amendment to read: Page 1, line 12 following "is" strike "involved in" and insert "responsible for".

REP. YARDLEY opposed the amendment. Bodily injury might be made to the passenger of the car. REP. HUENNEKENS questioned what bodily injury is. It is a bump on the head or close to death?

The amendment passed unanimously.

REP. SEIFERT made a substitute motion of do not pass as amended.

REP. HANNAH felt there are too many problems with the bill. He was in favor of the substitute motion.

A roll call vote resulted. Those voting yes for do not pass were: KEYSER, SEIFERT, BENNETT, EUDAILY, HANNAH, ANDERSON, ABRAMS, HUENNEKENS, TEAGUE, YARDLEY and BROWN. Those voting no were: CURTISS, MATSKO, MCLANE, DAILY, and KEEDY. The motion of do not pass carried 11 to 5.

HOUSE BILL 226 REP. HUENNEKENS moved do not pass.

The motion passed with only REP. KEEDY voting no.

HOUSE BILL 284 REP. MCLANE moved do pass.

REP. SEIFERT read a letter concerning the original bill. EXHIBIT 8. REP. BROWN moved the amendments as attached to the subcommittee minutes do pass.

JIM LEAR stated that he felt chapter 23, part 2 on the last two lines of the amendment should be stricken. REP. BROWN made a substitute motion to strike chapter 23, part 2 and have the amendment

Judiciary Committee

February 18, 1981

Page 8

17
SLS

pass.

The amendment passed.

REP. BROWN moved do pass as amended.

REP. EUDAILY was not sure of the wording under "C". REP. BROWN said subsection c is intended to allow stacking.

JIM LEAR stated it does not use the same language. REP. HANNAH stated the intention was to prohibit stacking in one company and this would cover it. JIM LEAR replied only in this section.

The motion of do pass as amended resulted in a roll call vote: Those representatives voting yes were: SEIFERT, BENNETT, EUDAILY, DAILY, ABRAMS, HUENNEKENS, TEAGUE and BROWN. Those representatives voting no were: CURTISS, KEYSER, HANNAH, IVERSON, MATSKO, MCLANE, ANDERSON, KEEDY and YARDLEY. The do pass as amended motion failed 9 to 8.

REP. MCLANE moved to reverse the vote to do not pass as amended. Those voting no were: SEIFERT, BENNETT, EUDAILY, DAILY, ABRAMS, HUENNEKENS, TEAGUE and BROWN. Those representatives voting yes were: CURTISS, KEYSER, HANNAH, IVERSON, MATSKO, MCLANE, ANDERSON, KEEDY and YARDLEY. The motion passed 9 to 8.

REP. HANNAH moved to reconsider the bill for the purpose of clarification. REP. HANNAH made a substitute motion to table the bill. The motion passed with the following representatives voting no: EUDAILY, BENNETT and DAILY.

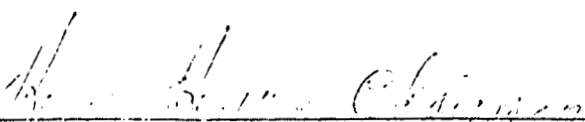
HOUSE BILL 71 REP. KEEDY made a motion to take House Bill 71 off the table. A roll call vote resulted. Those voting yes were: BENNETT, MATSKO, ANDERSON, HUENNEKENS, KEEDY, YARDLEY, and BROWN. Those voting no were: KEYSER, SEIFERT, CURTISS, EUDAILY, HANNAH, IVERSON, MCLANE, DAILY, ABRAMS and TEAGUE.

REP. KEEDY objected to the vote because the original purpose of tabling the bill was to wait on a senate bill.

REP. SEIFERT moved to reconsider the action. All were in favor.

All were in favor of bringing the bill off the table.

The meeting adjourned at 11:15 a.m.


KERRY KEYSER, CHAIRMAN

JAMES, GRAY & McCAFFERTY

AREA CODE 406

TED JAMES
ORVILLE GRAY
DENNIS C. McCAFFERTY
ROBERT F. JAMES
RANDALL H. GRAY
LARRY E. JOHNSON
JOHN C. HARRISON, JR.

P. O. BOX 2885
FOURTH FLOOR (430)
NORTHWESTERN BANK BUILDING
GREAT FALLS, MONTANA 59401

February 12, 1981

Amendment to HB 284

Mr. Jay Fabrega
House of Representatives
State Capitol
Helena, Montana 59620

Dear Jay:

We represent State Farm Mutual Automobile Insurance Company.
I forwarded a copy of House Bill 284 to the Company.

You may be interested in the comments made by the Chief Counsel
of the Company.

This is what he wrote to me:

"While this is an attempt to prevent stacking, there is far too much language in subsection (11) on page 6. It is suggested that that subsection be amended to delete much of the language. It could be argued that the last sentence of that subsection gives back the right to stack. Below is the suggested language for that section:

(11) Any policy of insurance providing coverage under the provisions of this chapter may provide that if the insured has coverage available to him under more than one policy or provision of coverage, including uninsured motorist coverage, any recovery or benefits may equal but not exceed the higher of the applicable limits of the respective coverages. ~~in the proportion that their respective limits bear to the aggregate of their limits. Any provision that limits benefits pursuant to this subsection must be in clear language and be prominently displayed in the policy, binder, or endorsement. --Any~~

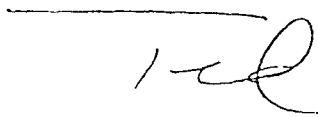
V

limiting-provision-is-void-if-the-named-insured-has
purchased-separate-coverage-on-the-same-risk-and-has
paid-a-premium-calculated-for-full-reimbursement-under
that-coverage.

Best personal wishes.

Sincerely,

JAMES, GRAY & McCAFFERTY

A handwritten signature, likely of Ted James, consisting of a horizontal line followed by a stylized, cursive 'J' and 'E'.

Ted James

TJ/ld

MINUTES OF THE MEETING OF THE JUDICIARY COMMITTEE
February 18, 1981

The meeting of the House Judiciary Committee was called to order by Chairman Kerry Keyser at 8:00 a.m. in Room 437 of the Capitol. All members were present. Jim Lear, Legislative Council, was present.

HOUSE BILL 741 REP. JACOBSEN, chief sponsor, stated this bill is to clarify games of poker that are legal and those that are illegal.

There were no proponents.

There were no opponents.

REP. JACOBSEN closed the bill.

REP. BENNETT stated there was a game similar to Texas Holdup called Pineapple that allows an extra card. Was there any reason it was left off the list of legal games? The sponsor replied it was not intentionally excluded.

REP. BENNETT asked about three card low games. The sponsor replied the bill is to clarify poker as to legal and illegal. REP. KEYSER asked about the game Kings Wild. The sponsor stated he had no real interest but felt the law should be defined. If the members wanted to include these games they could.

REP. KEEDY asked if other poker games not listed in the bill would be considered as outlawed. REP. JACOBSEN replied yes. Black Jack would be illegal.

HOUSE BILL 742 REP. JACOBSEN, chief sponsor, stated the purpose of this bill is to clarify the law relating to sheriff enforcement of laws and ordinances in a city or a town. REP. JACOBSEN went over the sections of the bill.

DAN MIZNER, Montana League of Cities and Towns was in favor of the bill. MIZNER stated this bill is not trying to force anything upon the sheriffs, but his duties must be defined. Many county sheriffs define the law as outside the city limits. Many sheriffs will not come into the city to help enforce city laws. The taxpayers in the city as well as in the county pay for protection of the sheriff through taxes. If asked the sheriff's department should help out in the city. If the city wants to make a contract to take care of state laws and ordinances then they should, and pay him for the duties. MIZNER felt this bill clears up the matter.

There were no further proponents.

JOHN SCULLY was an opponent to the bill. It becomes a physical impossibility to handle the city and the county. Line 20 states it

There were no further proponents.

There were no opponents.

In closing, REP. CONN stated this is a serious attempt to provide the person driving on the highway to know that the other person is a potential hazard.

REP. DAILY asked what the present fine is for the third offense. TOOLE responded up to \$1,000 and one year in jail. It goes to the district court. REP. YARDLEY asked if the jail sentence was mandatory. TOOLE replied it can be suspended.

REP. EUDAILY asked if it was possible to take the driver's license away. TOOLE replied it requires a year's revocation. The person can obtain an occupational license.

REP. EUDAILY asked how far away the sticker could be seen. TOOLE replied about 200 yards. He felt that yellor or chrome yellow was a more appropriate color for the sticker than red.

REP. HUENNEKENS asked the reason for the size of 4 x 4. REP. CONN stated if it is too large it will obstruct the vision of the driver. She was not opposed to the sticker being yellow.

REP. SHELDEN asked if the programs for alcoholism reflect any decreases in the percentage of drivers who become constant offenders. TOOLE replied there is usually a small percentage of first offenders who become second or third offenders.

There was no further discussion on House Bill 785.

EXECUTIVE SESSION

The House Judiciary Committee went into executive session at 10:45 a.m.

HOUSE BILL 284 REP. BROWN indicated ROGER MCGLENN was present to answer the committee's questions on this bill.

MCGLENN stated if he took another person's car and was in an accident, that person's insurance would cover only so much of the damage. MCGLENN's insurance would cover the rest.

REP. KEYSER stated the committee had questions on (2)(B) and (2)(C).

REP. HANNAH asked what if there was no insurance on the vehicle at the time of the accident. MCGLENN replied my insurance would

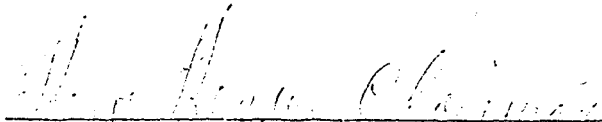
cover it to the limit of one vehicle on my policy. I could not stack two limits on top.

REP. HANNAH asked about section (2)(B). MCGLENN replied if I had two vehicles on one policy and bought another car with another company that prevents stacking between policies. It is not possible to stack from policy to policy.

MCGLENN feels the insurance companies will not change the contracts just for Montana. They will raise the premiums until they can live with it and go from there. Stacking is allowed between multiple cars on one policy but it is not allowed to stack cars from various policies.

REP. EUDAILY asked if (2)(B) was necessary. MCGLENN replied no.

The meeting adjourned at 11:05 a.m.



KERRY KEYSER, CHAIRMAN
mr

MINUTES OF THE MEETING OF THE JUDICIARY COMMITTEE
February 19, 1981

The meeting of the House Judiciary Committee was called to order at 8:00 a.m. by Chairman Kerry Keyser, in Room 437 of the Capitol. All members were present. Jim Lear, Legislative Council, was present.

HOUSE BILL 795 REP. COZZENS, chief sponsor, stated the bill lays out the stages of involuntary commitment of alcoholism. The purpose is to revise the law pertaining to the involuntary commitment of alcoholics allowing the certifying physician's testimony to be submitted by affidavit and allowing the taking of his deposition; and amending section 53-24-302, MCA. Page 2 and 3 are designed to allow the option for an affidavit or deposition.

DICK BAUMBERGER, Alcohol Programs of Montana, feels that the process is quite cumbersome and this bill would solve those problems. Some judges don't understand what the present law does. Usually there is not an administrator in the rural area.

CURT CHISHOLM, Department of Institutions, was a proponent but felt the bill had problems. If an alcohol counselor or a doctor signs an affidavit it will create problems in that the accused should be able to cross examine. The person should have the right to subpoena and have a licensed doctor of his choosing at the hearing. A problem in smaller rural areas is that alcoholics have difficulty in obtaining a doctor there. EXHIBIT 1 was given.

There were no further proponents.

There were no opponents.

In closing, REP. COZZENS stated the wording on page 2 and 3 does not preclude the doctor from the hearing. The person may have the doctor of his choice testify, or it would allow the doctor to present an affidavit. There is a concern this might open the door to make alcohol counseling centers mandatory. This is not the intent of the bill.

REP. HANNAH asked about deposition. NICK ROTERING, Department of Institutions, replied a deposition cannot be arranged for in less than 3 weeks. Any objection an attorney has will set it back farther. The time delay does not help the alcoholic.

REP. YARDLEY asked about involuntary commitment. CHISHOLM replied a professional health person's opinion must be given in court.

REP. CURTISS asked if this bill was at the request of the Department of Institutions. The sponsor said it was not but alcohol treatment centers would like it passed.

REP. DAILY moved do pass as amended. The bill passed with SHELDEN, YARDLEY and HUENNEKENS voting no.

HOUSE BILL 284 REP. BROWN moved do pass.

REP. BROWN moved to adopt the amendments as given to the committee earlier. REP. BROWN moved to strike on the amendments (2)(b); and to strike chapter 23, part 2 on the last two lines of the bill where it appears the second time. The amendment carried.

REP. BROWN moved do pass as amended. The motion carried.

HOUSE BILL 361 REP. HUENNEKENS moved do not pass.

REP. CURTISS made a substitute motion to table the bill. The substitute motion carried.

HOUSE BILL 364 REP. BROWN moved do not pass.

REP. CONN made a substitute motion of do pass. REP. CONN offered the amendments as in EXHIBIT 2. The amendment passed with IVERSON, BROWN, DAILY, BENNETT, TEAGUE and HUENNEKENS voting no.

REP. HANNAH moved to strike "not less than" and to strike "or more than one day" and to insert "in the county jail" on the amendment. The motion carried.

REP. HANNAH moved do pass as amended. The bill passed.

HOUSE BILL 595 REP. HUENNEKENS moved do not pass. He stated we cannot ignore the fact that we may lose federal funds.

REP. IVERSON made a substitute motion of do pass. REP. MCLANE seconded the motion. REP. IVERSON stated people don't function well at 55 mph.

REP. CONN stated the legislature should have respect for the federal laws. If the Reagan administration sees fit then we should abide by their rulings.

REP. HANNAH moved on page 2, line 13 to insert "in state" and strike the rest of the line.

REP. EUDAILY made a substitute motion to adopt the amendments as proposed by REP. SIVERTSEN in his testimony. The substitute motion carried.

COMMITTEE ON JUDICIARY

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB 154	1/26/81	3/12/81	3/14/81				3/14/81		
HB 162	1/26/81	3/03/81	3/03/81				3/03/81		
HB 162	3/05/81	3/21/81	3/21/81				3/21/81		
HB 207	1/27/81	3/12/81	3/14/81						3/14/81
HB 208	2/18/81	3/12/81	3/17/81						3/17/81
HB 209	1/28/81	3/12/81	3/21/81					3/21/81	
HB 212	1/28/81	3/11/81	3/24/81				3/24/81		
HB 213	1/28/81	3/13/81	3/14/81				3/14/81		
HB 213	3/18/81	3/24/81	3/24/81				3/24/81		
HB 214	1/28/81	3/13/81	3/24/81						3/24/81
HB 215	2/04/81	3/13/81	3/13/81					3/13/81	
HB 220	2/04/81	3/03/81	3/21/81				3/21/81		
HB 246	2/04/81	3/03/81	3/21/81				3/21/81		
HB 254	1/29/81	3/04/81	3/04/81				3/04/81		
HB 273	2/07/81	3/04/81	3/24/81						3/24/81
HB 284	3/02/81	3/13/81	3/14/81				3/14/81		

Use a separate sheet for Senate, House Bills, and Resolutions.

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
MARCH 13, 1981

The forty-second meeting of the Senate Judiciary Committee was called to order by Mike Anderson, Chairman, on the above date in Room 331, at 10:00 a.m.

ROLL CALL:

All members were present.

CONSIDERATION OF HOUSE BILL 284:

TO AMEND THE MOTOR VEHICLE INSURANCE
LIABILITY LAWS IN CASES WHERE THERE IS
MORE THAN ONE VEHICLE COVERED UNDER A
SINGLE INSURANCE POLICY.

Rep. Fabrega, District 44, Great Falls, presented the bill.

Roger McGlenn, supporting for the Independent Insurance Agents Association of Montana, presented written testimony, which is attached to these minutes.

Pat Melby, representing the Alliance of American Insurers, supported the bill because he felt it was not the intent ever to stack coverage so that an individual could recover more uninsured motorist coverage than from his own insurance. He said that if people want more benefits they can add to their own uninsured motorist coverage.

Jess Starnes supported the bill for the reasons given by previous supporters.

Bob James, representing State Farm, agreed with previous testimony in supporting the bill.

Paul Keller, representing American Insurance Association, pointed out that many mutual companies have to live on their underwriting because they do not have large reserves built up. He said that the lower-income persons' insurance should be kept affordable, and that this bill would make the law more like what it was intended in the first place by the legislature.

Bob LaDow, of Northwestern National Insurance Company, also supported the bill.

Speaking in opposition was Mike Meloy, representing the Trial Lawyers Association. He said the bill was ill-conceived, poorly drafted, and probably unconstitutional, and went far

beyond the original bill. He added that the Supreme Court has found against a limitation such as the one proposed in this bill, referring to the case of Chaffee v. USF&G, where the Supreme Court decided that it would be against public policy and would result in a windfall for the companies to permit them to collect premiums for the uninsured cars and then to pay on only one of the limits.

Senator Mazurek asked if there were three vehicles involved in a massive collision, under 100/300 coverage, under this bill what would the limit of coverage be? Pat Melby said \$100,000 on each vehicle in each accident, for a total of \$900,000. Tom Harrison said that he thought under this bill it would be a total of \$300,000.

CONSIDERATION OF HOUSE BILL 99:

PROHIBITING DEFERRAL OF IMPOSITION
OF SENTENCE IN A FELONY CASE FOR A
DEFENDANT CONVICTED OF A FELONY ON
A PRIOR OCCASION.

Rep. Daily presented the bill and said that its purpose is to prevent a judge from issuing a second deferred sentence to any individual with a prior felony conviction.

Curt Chisholm, of the Department of Institutions, commented that the bill as currently worded would have virtually no impact on the prison population.

Senator Crippen voiced concern because the degree of seriousness of a felony involved is not defined more clearly.

Rep. Daily agreed that this was somewhat of a problem with him as well, but said that the bill's intention is to discourage crime and to protect the general public. He pointed out that a suspended sentence could be issued in place of a second deferred sentence, and would stay on the person's record.

Senator Mazurek established from Mr. Meloy that deferred sentences are never expunged from the NCIC records.

Karen Mikota, representing the League of Women Voters, said that the meaning of "convicted" may be affected through this bill, and that would affect having deferred sentences on a person's record.

In closing, Rep. Daily said that a judge legally cannot use first felony convictions in sentencing a person on his second felony conviction.

ROLL CALL

JUDICIARY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

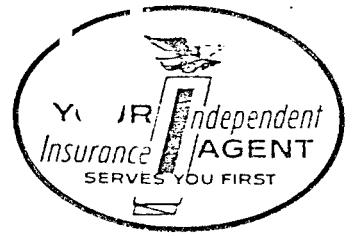
Date March 13, 1981

NAME	PRESENT	ABSENT	EXCUSED
Anderson, Mike, Chr. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Olson, S. A. (R)	✓		
Brown, Bob (R)	✓		
Crippen, Bruce D. (R)	✓		
Tveit, Larry J. (R)	✓		
Brown, Steve (D)	✓		
Berg, Harry K. (D)	✓		
Mazurek, Joseph P. (D)	✓		
Halligan, Michael (D)	✓		

Each day attach to minutes.

Independent Insurance Agents of Montana

INCORPORATED



REGARDING HOUSE BILL NO. 284

To: The Senate Judiciary Committee
From: Independent Insurance Agents' Association of Montana
Date: March 13, 1981
Re: Support for House Bill No. 284

Stacking of benefits when there is more than one vehicle on an insurance policy was not intended. This is one reason there is a multicar discount given when there is more than one vehicle.

High limits of section one coverages, liability, medical, and uninsured motorist, are available from most insurance companies. The companies and agents strongly encourage the purchasing of these high limits.

Stacking of these benefits was not figured in the premium computations nor was stacking intended. If stacking is allowed, then the premiums to the consumer will increase.

The Independent Insurance Agents' Association of Montana urges the Senate Judiciary Committee to give a be concurred in recommendation to House Bill No. 284.

Roger McGlenn.

30

NAME: Roger McGLENN DATE: 3-13-81

ADDRESS: P.O. Box 4848 HELENA, MONT. 59604

PHONE: 442-9555

REPRESENTING WHOM? INDEPENDENT INS. AGENTS ASSOC. OF MT.

APPEARING ON WHICH PROPOSAL: HB-284

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: ATTACHED.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: PAT MELBY DATE: 3-13-81

ADDRESS: P.O. Box 1144

PHONE: 442-7450

REPRESENTING WHOM? Alliance of American Insurers

APPEARING ON WHICH PROPOSAL: H.B. 284

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

2272

NAME: Jess Starnes DATE: 3-15-61

ADDRESS: 814 Gilbert

PHONE: 442-9666

REPRESENTING WHOM? Employed by United Pacific Marine Ins.
out here as citizen

APPEARING ON WHICH PROPOSAL: HB 2641

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: This Bill is a matter of cost
for Insurer. with this change
Insurer cost can remain as is
(percentage to other cost) -
Coverage is available (higher limits) for
those insured who wish to it.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bob James DATE: 3/13/81

ADDRESS: 430 Row Bk

PHONE: 727-2311

REPRESENTING WHOM? State Farm

APPEARING ON WHICH PROPOSAL: HB 284

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Paul T. Keller DATE: 3/16/81

ADDRESS: Helena, Mont

PHONE: 442-0230

REPRESENTING WHOM? American Insurance Assoc

APPEARING ON WHICH PROPOSAL: House Bill 288

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: This bill prevents stacking
in uninsured motorists insurance

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert M. LADow DATE: 3/13/81

ADDRESS: 626 S. Sanders

PHONE: 442-8302

REPRESENTING WHOM? Northwestern Mill. Ind Co.

APPEARING ON WHICH PROPOSAL: HB 284

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: MIKE McLOY DATE: 3/13/81

ADDRESS: HWA

PHONE: 442 9430

REPRESENTING WHOM? NTLA HB 284 (OPPOSE)

APPEARING ON WHICH PROPOSAL: HB 215 ~~#~~ (SUPPORT)

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE March 13, 1981

COMMITTEE ON JUDICIARY

HB 284 HB 215

HB 213 HB 214

HB 99

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Anna Lee Erickson	observing			
Paul A. Keller	Amer Bus Assoc	284	✓	
Robin Price	observing			
C. Harrison	MT. Trial Law, Assoc.			
J. Paedburg	NW NATL INS.	284	X	
J. Driscoll	Mont Ins Dept	284	✓	
Bob James	State Farm	284	✓	
Connie Daily	Observing			
Tom Harrison	self	204	neutral	

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 14, 1981

The forty-third meeting of the Senate Judiciary Committee was called to order by Mike Anderson, Chairman, on the above date in Room 331, at 10:00 a.m.

ROLL CALL:

All members were present.

DISPOSITION OF HOUSE BILL 110:

Senator Halligan moved to amend the bill on line 25, following "term of" by inserting "not less than", and following "5 years" by inserting "or not more than 10 years". His motion passed unanimously. Senator O'Hara moved that the bill BE CONCURRED IN AS AMENDED, and his motion passed unanimously.

DISPOSITION OF HOUSE BILL 99:

Senator O'Hara moved that the bill BE CONCURRED IN, and his motion passed over the objection of Senators Halligan and Mazurek.

DISPOSITION OF HOUSE BILL 213:

Senator Mazurek moved that the bill BE CONCURRED IN, and his motion passed unanimously.

DISPOSITION OF HOUSE BILL 154:

Senator Halligan moved that the bill BE CONCURRED IN, and his motion passed unanimously.

DISPOSITION OF HOUSE BILL 96:

Senator O'Hara moved that the bill be amended on page 1, line 23, following "property", by inserting "for less than fair market value", and his motion passed unanimously. Senator O'Hara then moved that it BE CONCURRED IN AS AMENDED, and his motion passed over the objection of Senator Olson.

DISPOSITION OF HOUSE BILL 534:

Senator Berg moved that the bill BE CONCURRED IN, and his motion passed unanimously.

DISPOSITION OF HOUSE BILL 690:

Senator O'Hara moved that the bill BE CONCURRED IN, and his motion passed unanimously.

DISPOSITION OF HOUSE BILL 6:

Senator Mazurek moved to amend the bill on page 3, lines 22 and 23, as shown on the attached Committee Report, and his motion passed unanimously. Senator O'Hara moved that the bill BE CONCURRED IN AS AMENDED, and his motion passed unanimously.

DISPOSITION OF HOUSE BILL 371:

Senator Halligan moved that the bill BE NOT CONCURRED IN, and his motion passed unanimously.

DISPOSITION OF HOUSE BILL 316:

Senator Mazurek moved that the bill BE NOT CONCURRED IN, and his motion passed over Senator O'Hara's objection.

DISPOSITION OF HOUSE BILL 379:

Senator Mazurek moved that the bill be amended on pages 1 and 2, as shown on the attached Committee Report, and his motion passed unanimously. Senator Mazurek then moved that the bill BE CONCURRED IN AS AMENDED, and his motion passed unanimously.

DISPOSITION OF HOUSE BILL 93:

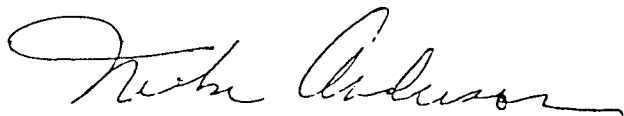
Senator Berg moved that the bill BE NOT CONCURRED IN, and his motion passed unanimously.

DISPOSITION OF HOUSE BILL 284:

Senator Crippen moved that the bill BE CONCURRED IN, and his motion passed unanimously.

DISPOSITION OF HOUSE BILL 207:

Senator Mazurek moved that the bill BE NOT CONCURRED IN, and his motion passed unanimously.



Mike Anderson
Chairman, Judiciary Committee

ROLL CALL

JUDICIARY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date March 14, 1981

NAME	PRESENT	ABSENT	EXCUSED
Anderson, Mike, Chr. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Olson, S. A. (R)	✓		
Brown, Bob (R)	✓		
Crippen, Bruce D. (R)	✓		
Tveit, Larry J. (R)	✓		
Brown, Steve (D)	✓		
Berg, Harry K. (D)	✓		
Mazurek, Joseph P. (D)	✓		
Halligan, Michael (D)	✓		

Each day attach to minutes.

41/15

STANDING COMMITTEE REPORT

March 14, 1931

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 234
Fabrega (Hager)

Respectfully report as follows: That HOUSE Bill No. 234

~~XXXXX~~
DO PASS

BE CONCURRED IN

HOUSE BILL NO. 284

INTRODUCED BY FABREGA, HAGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MOTOR
VEHICLE INSURANCE LIABILITY LAWS TO ALLOW LIMITATION OF THE
INSURER'S LIABILITY IN CASES WHERE THERE IS MORE THAN ONE
VEHICLE COVERED UNDER A SINGLE INSURANCE POLICY+-AMENDING
SECTION 61-6-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Refer to Introduced Bill

(Strike everything after the enacting clause and insert:)

Section 1. Limitation of liability under motor vehicle
liability policy. (1) Unless a motor vehicle liability
policy specifically provides otherwise, the limits of
insurance coverage available under any such policy,
including the limits of liability under uninsured motorist
coverage, shall be determined as follows, regardless of the
number of vehicles insured under the policy:

(a) the limit of insurance coverage available for any
one accident shall be the limit specified for the vehicle
involved in the accident;

(b) if no vehicle insured under the policy is involved
in the accident, the limit of insurance coverage available
for any one accident shall be the highest limit of coverage

specified for any one vehicle insured under the policy; and
(c) the limits of coverage specified for each vehicle
insured under the policy shall not be added together to
determine the limit of insurance coverage available under
the policy for any one accident.

(2) A motor vehicle liability policy may also provide
for other reasonable limitations, exclusions, or reductions
of coverage which are designed to prevent duplicate payments
for the same element of loss.

Section 2. Codification instruction. Section 1 is
intended to be codified as an integral part of Title 33,
chapter 23, part 2, and the provisions of Title 33 apply to
section 1.

-End-